



PTO/SB/64 (11-03)

Approved for use through 07/31/2006 OMB 0651-0031

US Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|  |                              |   |
|--|------------------------------|---|
| <b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT<br/>ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.377(b)</b>   |                              | Docket Number (Optional)<br>22413-14 (formerly 380048-97) |
| First named inventor: <b>Nagy Adly Habib</b>   | Art Unit: <b>1615</b>        |   |
| Application No.: <b>10/625,232</b>   | Examiner: <b>Kishore, G.</b> |   |
| Filed: <b>July 22, 2003</b>  |                              |   |
| <b>Title: APPLICATOR FOR MICROWAVE<br/>RADIATION TREATMENT</b>   |                              |   |
| Attention: Office of Petitions<br><b>Mail Stop Petition</b><br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450<br>FAX: (703) 872-9306   |                              |   |
| The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. |                              |   |
| <b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b>  |                              |   |
| NOTE: A grantable petition requires the following items:   |                              |   |
| (1) Petition fee;<br>(2) Reply and/or issue fee;<br>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications, and<br>(4) Statement that the entire delay was unintentional.  |                              |   |
| <b>1. Petition fee</b>   |                              |   |
| <input type="checkbox"/> Small entity fee \$ _____. (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.   |                              |   |
| <input checked="" type="checkbox"/> Other than small entity fee \$ <u>1,370.00</u> . (37 CFR 1.17(m)).   |                              |   |
| <b>2. Reply and/or Fee</b>   |                              |   |
| A. The reply and/or fee to the above-noted Notice in the form of:  |                              |   |
| <input checked="" type="checkbox"/> a Response to the Notice to File Corrected Application Papers and 2 sheets of formal drawings  |                              |   |
| <input type="checkbox"/> has been filed previously on ____   |                              |   |
| <input checked="" type="checkbox"/> is enclosed herewith.  |                              |   |
| B. The issue fee of \$ _____.<br><input type="checkbox"/> has been filed previously on ____<br><input type="checkbox"/> is enclosed herewith.  |                              |   |

[Page 1 of 2]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officers, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450.

12/14/2004 ANONDAF1 00000026 501901 10625232

01 FC:1453 1500.00 DA

## 3. Terminal disclaimer with disclaimer fee

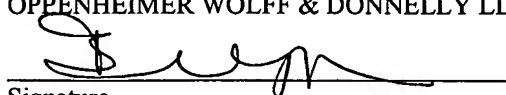
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_ for a small entity or \$\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c) subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038**

OPPENHEIMER WOLFF &amp; DONNELLY LLP

  
Signature

December 8, 2004  
Date

612.607.7595  
Telephone Number

Barbara A. Wrigley, Reg. No. 34,950  
Oppenheimer Wolff & Donnelly LLP  
45 South Seventh Street, Suite 3300  
Minneapolis, MN 55402-1609

## ENCLOSURES

Fee payment

Response to the Notice to File Corrected Application Papers

Terminal Disclaimer

Additional sheets containing statements establishing unintentional delay

Other: Two sheets of formal drawings, Return Postcard

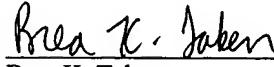
## CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

December 8, 2004  
Date

  
Brea K. Taken

O I P E

**FEET TRANSMITTAL**  
DEC 13 2004  
for FY 2004

Patent Fees are subject to annual revision.

Applicant Claims Small Entity

TOTAL AMOUNT OF PAYMENT

\$1,370.00

Complete if Known

|                      |                 |
|----------------------|-----------------|
| Application Number   | 10/625,232      |
| Filing Date          | July 22, 2003   |
| First Named Inventor | Nagy Adly Habib |
| Examiner Name        | G. Kishore      |
| Group Art Unit       | 1615            |

Attorney Docket No.: 22413-14 (formerly 380048-97)

**METHOD OF PAYMENT****FEET CALCULATION (continued)**1.  Authorized to charge indicated fees or credit

Deposit **50-1901**  
 Acct No.  
 Name: **Oppenheimer Wolff & Donnelly LLP**

Charge Any Add'l Fee Required  
 Under 37 CFR 1.16 and 1.17

2.  Payment Enclosed:Check  Credit**FEET CALCULATION****1. BASIC FILING FEE**

| Large Fee           | Small Fee | Fee description        | Fee Paid |
|---------------------|-----------|------------------------|----------|
| 790                 | 395       | Utility filing fee     |          |
| 350                 | 175       | Design filing fee      |          |
| 550                 | 275       | Plant filing fee       |          |
| 790                 | 395       | Reissue filing fee     |          |
| 160                 | 80        | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |           | <b>\$0.00</b>          |          |

**2. EXTRA CLAIM FEES**

| Claims      | - 20 = | Extra Claims       | Fee     | Fee Paid |
|-------------|--------|--------------------|---------|----------|
|             |        |                    | 18/9    |          |
| Ind. Claims | - 3 =  |                    | 88/44   |          |
|             |        | Multiple Dependent | 300/150 |          |

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description  |
|-----------------------|-----------------------|--|
| 18                    | 9                     | Claims in excess of 20                                     |
| 88                    | 44                    | Independent claims in excess of 3                          |
| 300                   | 150                   | Multiple dependent claim                                   |
| 88                    | 44                    | ** Reissue independent claims over original patent         |
| 18                    | 9                     | ** Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2)</b>   |                       | <b>\$0.00</b>  |

\*\*or number previously paid, if great; For Reissues, see above

| 3. ADDITIONAL FEES           |          |                       |                     |
|------------------------------|----------|-----------------------|---------------------|
| Large Entity Fee Code        | Fee (\$) | Small Entity Fee Code | Fee (\$)            |
| 1051                         | 130      | 2051                  | 65                  |
| 1052                         | 50       | 2052                  | 25                  |
| 1053                         | 130      | 1053                  | 130                 |
| 1812                         | 2,520    | 1812                  | 2,520               |
| 1804                         | 920*     | 1804                  | 920*                |
| 1805                         | 1,840*   | 1805                  | 1840*               |
| 1251                         | 110      | 2251                  | 55                  |
| 1252                         | 430      | 2252                  | 215                 |
| 1253                         | 980      | 2253                  | 490                 |
| 1254                         | 1,530    | 2254                  | 765                 |
| 1255                         | 2,080    | 2255                  | 1,040               |
| 1401                         | 340      | 2401                  | 170                 |
| 1402                         | 340      | 2402                  | 170                 |
| 1403                         | 300      | 2403                  | 150                 |
| 1451                         | 1,510    | 1451                  | 1,510               |
| 1452                         | 110      | 2452                  | 55                  |
| 1453                         | 1,370    | 2453                  | 685                 |
| 1501                         | 1,370    | 2501                  | 685                 |
| 1502                         | 490      | 2502                  | 245                 |
| 1503                         | 660      | 2503                  | 330                 |
| 1460                         | 130      | 1460                  | 130                 |
| 1807                         | 130      | 1807                  | 130                 |
| 1806                         | 180      | 1806                  | 180                 |
| 8021                         | 40       | 8021                  | 40                  |
| 1809                         | 790      | 2809                  | 395                 |
| 1810                         | 790      | 2810                  | 395                 |
| 1801                         | 790      | 2801                  | 395                 |
| 1802                         | 900      | 1802                  | 900                 |
| Other fee (specify)          |          |                       |                     |
| *Reduced by Basic Filing Fee |          |                       |                     |
|                              |          |                       | <b>SUBTOTAL (3)</b> |

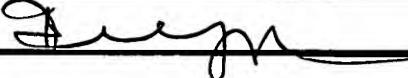
Fee Paid

\$1,370.00

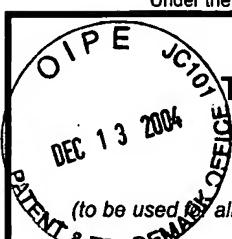
\$1,370.00

**SUBMITTED BY**

Complete (if applicable)

Name **Barbara A. Wrigley** Registration No.: 34,950 Telephone: (612) 607-7595Signature  Date: December 8, 2004

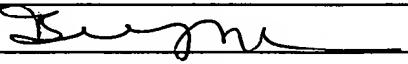
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|   |    |                        |                               |
|---|----|------------------------|-------------------------------|
|  <b>TRANSMITTAL FORM</b><br><small>(to be used for all correspondence after initial filing)</small> |    | Application Number     | 10/625,232                    |
|   |    | Filing date            | July 22, 2003                 |
|   |    | First Named Inventor   | Nagy Adly Habib               |
|   |    | Art Unit               | 1615                          |
|   |    | Examiner Name          | G. Kishore                    |
| Total Number of Pages in This Submission  | 10 | Attorney Docket Number | 22413-14 (formerly 380048-97) |

**ENCLOSURES (Check all that apply)**

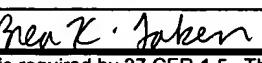
|  |  |  |          |
|--|--|--|----------|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53<br><input type="checkbox"/> Copy of the Notice to File Corrected Application Papers<br><i>Filing Date Granted</i><br><input type="checkbox"/> Executed Declaration and Power of Attorney Document | <input checked="" type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition to Revive Unintentionally Abandoned Application<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal C (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) please identify below): Return Postcard |          |
|  |  |  | Remarks: |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |   |
|-------------------|---|
| Name (Print/Type) | Barbara A. Wrigley, Reg. No. 34,950   |
| Signature         |  |
| Date              | December 8, 2004  |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313 on this date: December 8, 2004

|                  |   |       |                  |
|------------------|---|-------|------------------|
| Typed or printed | Brea K. Taken   |       |                  |
| Signature        |  | Date: | December 8, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.